

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DOLORES VALENZUELA, et al.,  
Plaintiffs,  
v.  
BEST-LINE SHADES, INC., et al.,  
Defendants.

Case No. 19-cv-07293-JSC

**ORDER RE: RESPONSE TO ORDER  
TO SHOW CAUSE**

Re: Dkt. Nos. 74, 75

Plaintiffs Dolores Valenzuela, Adela Flores, and Raymunda Menjivar filed this wage and hour class and collective action against their former employer Best-Line Shades, Inc., Best-Line, Inc., and its owner and president Jill Schaffer seeking to recover unpaid wages and penalties under the Fair Labor Standards Act (FLSA) and California labor laws. Following certification of a class and collective action, Defendants ceased communicating with their counsel, Plaintiffs, and the Court. (Dkt. Nos. 53, 60.) The Court thus granted defense counsel's motion to withdraw and entered Defendants' default. (Dkt. Nos. 61, 68.) Plaintiffs thereafter moved for default judgment. (Dkt. No. 73.) Upon review of the motion, which sought default judgment on behalf of the class and collective, the Court had concerns regarding how the action could be maintained as a class or collective action given Plaintiffs' inability to identify class and collective members, and failure to provide notice to the class or collective. The Court thus ordered Plaintiffs to show cause. (Dkt. No. 74.)

In response to the Court's Order to Show cause, Plaintiffs indicate that they have served subpoenas on Paychex, the entity that maintained Defendants' payroll and timekeeping records. (Dkt. No. 75 at ¶¶ 10-14.) Plaintiffs attest that once the subpoenaed records are received, they will be able to identify the class and collective members and "will provide proper notice to the Rule 23

1 class and the FLSA conditionally certified collective.” (*Id.* at ¶¶ 11, 12, 14.) **Plaintiffs shall file a**  
2 **status update regarding their subpoenas by June 23, 2022.** Plaintiffs are reminded that they  
3 must obtain Court approval prior to issuance of notice to the class and collective. (Dkt. No. 53 at  
4 13.)

5 In light of Plaintiffs’ response to the Order to Show Cause, Plaintiffs’ motion for default  
6 judgment is denied without prejudice to renewal once the issues regarding the class and collective  
7 are resolved.

8 This Order disposes of Docket No. 75.

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10 **IT IS SO ORDERED.**

11 Dated: May 26, 2022

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14 JACQUELINE SCOTT CORLEY  
15 United States District Judge  
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